



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

NOTES ON MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

New York City.—The decision of the Appellate Division of the State Supreme Court on the Report of the Rapid Transit Commissioners, offers an excellent instance of the far-reaching powers exercised by American courts in the decision of non-judicial questions. In fact, an examination of the history of the case will show that after long discussion in the State Legislature, an overwhelming decision by the people and a favorable report by one of the most able commissions in the history of the state—all in favor of the construction of a rapid transit system by the municipality, we have an adverse decision by the court; a decision involving no questions of law, but pure questions of fact which ordinarily come within the province of legislative assemblies. It is true that the decision is not adverse to every scheme for rapid transit, but only to the particular scheme submitted by the Commissioners.

In accordance with the terms of the Rapid Transit Act of 1894, a Board of Rapid Transit Commissioners was appointed to inquire into and adopt a route and general plan for a rapid transit system. In order that the plan thus adopted should be valid it was provided that the Commissioners should obtain the consent of all property owners along the line of the proposed railway. This the Commissioners were unable to obtain. It was then provided by the act that in such case, application to the General Term of the Supreme Court should be made for the appointment of commissioners to take testimony and report to the court upon the advisability of constructing such a railway. The report of this special commission was presented to the court on March 6, 1896, and was unanimously in favor of a plan to build an underground railway extending from Battery Place through Broadway on Fourteenth street; thence dividing, one branch extending up Broadway and under the Boulevard to One Hundred and Eighty-fifth street, and on the East side extending from Fourteenth street through Fourth and Park avenues to Mott Haven. The maximum cost was to be fifty million dollars (\$50,000,000), and work was not to be begun until the contractor to whom the work of construction was awarded should file bonds protecting the city against any outlay beyond this maximum. After many months of careful research and testimony by acknowledged experts, it would seem that the decision of the Commission would be

regarded as final by the court. In the decision, however, the court rejects its conclusions. All the arguments in favor of a scheme of rapid transit are fully conceded and the court takes particular pains to lay stress upon the fact that its opposition is not based upon any views antagonistic to rapid transit schemes in general. The unanimous opinion of the court points to the uncertainty of the financial estimate of the Commission, and upon the ground that this uncertainty would endanger the whole scheme, rejects the plan submitted to it. The opinion seems to disregard the fact that the maximum contract price was fixed at \$50,000,000, and arguing by analogy from other public works arrives at the conclusion that the present scheme would cost much more—probably \$90,000,000. This would take the city far beyond its constitutional debt limit, and thus endanger the whole scheme. The court here takes occasion to give the city a lecture on sound financiering. Another objection to the scheme as emphasized in the opinion, is the fact that the plans only extend to One Hundred and Eighty-fifth street, and thus fail to reach the city limits. This objection has been much criticised, inasmuch as the question of extension is merely one of time, the plans as at present drawn, giving possibility of developing the system indefinitely.

The decision being upon a question of fact is final, as the Court of Appeals will only take cognizance of questions of law. The probabilities are that a new plan will be framed by the Rapid Transit Commission, and the same procedure adopted as in the present case. The attitude of the Supreme Court being known, it will be possible to outline a plan in accordance with these views. The creation of "Greater New York" will be distinctly favorable to the elaboration of a far larger scheme giving the newly incorporated sections easy and rapid access to all parts of the city.

Small Parks. The effects of the Small Parks Act are making themselves evident in a large number of plans for breathing spaces in different parts of the city, but especially the lower East side. We have already had occasion to refer to the Mulberry Bend Park* which was the result of long years of effort.

At a recent meeting of the Board of Street Opening a number of plans were approved. The most important of these, viewed from the probable good to be effected, is the park to be constructed on the East side to include the two blocks bounded by Pitt, Sheriff, Stanton and Houston streets. The cost of this park will be about \$3,000,000.

Another plan which is to be carried into execution as soon as

* See ANNALS, Vol. v, p. 802, March, 1895.

practicable, is a small park for the West side, covering the block bounded by Twenty-seventh, Twenty-eighth streets, and Ninth and Tenth avenues. The cost of this park will be over \$4,000,000, one-third of which is to be paid by assessments upon the adjacent property benefited.

At the same meeting, the Mayor's Committee on Small Parks* reported unanimously in favor of an additional small park for the East side, to include the three blocks bounded by Canal street, East Broadway, Jefferson, Suffolk, Hester and Essex streets. This will be a very expensive piece of work, but the people of the city, as well as the authorities, seem determined to open up some of the more densely crowded sections in this way. In this work the State Legislature has played no unimportant part; having several times compelled the city to appropriate large sums for this purpose.

Tenement Houses.† The present condition of the proceedings instituted by the Board of Health in relation to the condemnation of unsanitary tenement houses in this city, is such that it is impossible to give final results. The Board of Health, under the new tenement house law, passed in 1895, has condemned a number of rear tenements. The owners are contesting the proceedings on various grounds—some on constitutional grounds. A decision was handed down by Justice Lawrence of the Supreme Court of Appeals on July 20, in which he incidentally affirms the constitutionality of the act, but he thinks that it is essential that certain changes shall be made in the petition of the Board of Health. Under Judge Lawrence's decision it seemed to be necessary to offer to buy the houses, and they are now going through this form. It seems probable, however, that the Board of Health will be successful in these cases as it was in its contention with Trinity Church corporation, which resulted in the opinion written by Judge Peckham, then of the Court of Appeals, now of the United States Supreme Court; which opinion may be said to constitutionalize modern sanitary legislation.

Boston.‡—The new provision of the city charter extending the mayor's term to two years went into effect this year, and on the first Monday of the month the Hon. Josiah Quincy, the third mayor of that name, became the city's chief magistrate.

Two important steps taken by the Mayor are based upon practically the same principle that in Berlin gives something like 10,000 persons a share in the government of the city through voluntary

* Mr. James B. Reynolds is chairman of this committee.

† Communication of R. W. Gilder, Esq.

‡ Communication of Sylvester Baxter, Esq.

service on advisory committees, etc. The first of these was the constitution of the "Merchants' Municipal Committee of the City of Boston." This body is purely a personal creation of the Mayor and formed under no legal authority. But so useful has it already proven that it will probably continue as a regular institution of the municipal government. It is composed of seven members from the six leading trade organizations; two from the Associated Board of Trade, and one each from the Chamber of Commerce, the Clearing House Association, the Merchants' Association, the New England Shoe and Leather Association, and the Real Estate Exchange. The members are chosen by their respective associations. They are not necessarily citizens of Boston, and since the organizations contain numerous members who live out of town, and chiefly in the suburbs, persons who are non-residents, but have large property and business interests in Boston, are thus given an indirect but powerful voice in the municipal government. The committee meets with the Mayor every Tuesday. Among the important subjects which it has considered have been the improvement of the harbor, railway terminals, school sanitation and tax reform. Largely through its influence and activity the national government has appropriated \$1,400,000 for harbor improvement; the reformation of the railway terminals on the south side of the city has been determined on and two great union stations are to be built; \$300,000 has been appropriated for the proper sanitation of the public schools; and the Legislature has authorized a special commission to consider the question of taxation. The committee is, of course, non-partisan. Four of its members are Republicans, and this fact has obtained favorable legislative consideration for matters which otherwise might be viewed with prejudice, the administration being Democratic.

The other step is the constitution of a Board of Visitors for the Public Institutions. This body is composed of representatives from various philanthropic, charitable and public organizations, like the Associated Charities, the Municipal League, the Twentieth Century Club, etc. The various bodies send the names of two or four suggested representatives to the Mayor, according to the size or importance of the organization, and from these the Mayor chooses one or two representatives from each. The members are to visit and study the various public institutions from time to time and report the result of their observations to the Mayor, who thus obtains the aid of the best thought on the subject. Both men and women serve on this board.

Still another application of this principle of voluntary co-operation with the Mayor on the part of citizens was that in relation to public

baths. The Mayor appointed a committee of citizens, representing various philanthropic interests and trade organizations to consider the subject. A valuable report was made and a comprehensive system was recommended. An appropriation of \$65,000 was made by the City Council for the erection of the first bath-house and the Mayor entrusted the same committee of citizens with the selection of the site and plans, and supervision of building. The bath-house is to be built on Dover street, at the south end, convenient to a large tenement district. The land costs \$15,000; the building, \$50,000. It is to be a "cleanliness bath;" swimming baths are recommended, but they will come later.

The adjacent town of Brookline was the first to adopt the principle of all-the-year-round public baths, and last year authorized the erection of a fine bath-house to include a swimming bath. The first winter public bath in Boston was established by the Park Commission last winter, which successfully made the experiment of opening free to the public the fine bathing facilities of the gymnasium at Charlesbank. Boston was the first American city to establish free summer baths; for over twenty-five years there have been many of these at various points along the water front; one, a beach bath for nude bathing, is the most popular in the country. These summer baths are in charge of the Board of Health. This year the Park Department opened a great beach bath at Marine Park, with over 900 dressing-rooms.

Last year the City Architect's Department was abolished by the Legislature. Mr. Edmund M. Wheelwright, who had been city architect since 1890, and had, by his work, given Boston the highest standing among American cities for the character of its civic architecture, favored the abolition of the department only on condition that the office of Advisory Architect be constituted, to pass upon all plans and designs for public edifices. This was not done and the architectural work of the city lapsed into a chaotic condition. A machine politician, who had been proven guilty of malfeasance in office while city architect, was even entrusted with some important municipal commissions. Mr. Wheelwright favored the abolition of the office on account of the unstable tenure and the possibility of unsatisfactory results from arbitrary changes with changes of administration. But while he was in charge, the city's expenses for architecture were much below the average of private offices. This year Mayor Quincy constituted the office of Advisory Architect and appointed Professor Chandler, of the Massachusetts Institute of Technology, to the position. Each executive department employs its own architect and the plans and designs must be approved by the Mayor before they

can be carried out. As the Mayor cannot be expected to possess the necessary technical knowledge for passing upon such work, his approval would have to be a mere matter of form, if he did not consult professional authority. His advisory architect, therefore, very properly receives his compensation from the Mayor's contingent fund. This precedent will doubtless be followed by succeeding mayors, and the result will naturally be the maintenance of a high standard in civic architecture. If architectural work be undertaken outside of any regular department the present law authorizes the Mayor to entrust it to whom he may see fit. It was under this provision that he recently authorized the citizens' committee to take charge of building the new public bath.

This year's Legislature passed a law requiring an entirely new registration of the voters of Boston. It was charged that over 4500 names were fraudulently on the voting lists. It will make much trouble for foreign-born citizens, for proofs of naturalization must be produced. The general registration must be repeated every ten years. The cost this year will be about \$100,000.

For several years the election of the Board of Aldermen has been under the "limited choice" system. No voter may cast a ballot for more than seven candidates of the twelve to be elected. The practical working proved very bad, for each of the two parties would make but seven nominations, thus assuring the election of twelve out of the fourteen candidates. Efforts for improvement, including a true system of minority representation, having been unavailing, the Municipal League this year proposes to nominate a ticket of its own and thus, if possible, break up the bi-partisan combination.

Brookline has just constituted an Art Commission which has functions in advance of those of the Boston board. It passes not only upon sculptures, paintings, etc., for public buildings and places, but also upon architectural design in public work. It was originally proposed to extend this scope to all architecture. The Commission was to examine the designs for all buildings in the town, and if these were offensive to good taste the inspector of buildings, by request of the board, was to refuse a permit. In town meeting, however, this struck a majority of voters as an undue interference with individual rights. The office of the board in this respect was, therefore, restricted to moral suasion. It apparently needs considerable education to bring even a cultivated American community to comprehend that a public nuisance, offensive to the eye, is as reprehensible as one that affronts the ear or the nostrils.

The Legislature this year appropriated for the work of the

Metropolitan Park Commission, \$1,000,000 for public reservations, and \$500,000 for boulevards and parkways in the metropolitan district.

The joint board upon the improvement of Charles River, consisting of the Metropolitan Park Commission and the State Board of Health, has followed its report on the estuary of the river, by one devoted to the fresh water reaches in the metropolitan district. The question has a sanitary as well as recreative aspect, for the changing level of the water produces malaria to a serious extent. It is recommended that all this portion of the stream be made a part of the Metropolitan Park system; that through the warm months the water level be made as nearly permanent as possible; that arrangements be made for the convenient transfer of boats over the dams; that certain lands on the banks be taken for recreative purposes, and that rights be taken in all the remaining frontage to prevent obnoxious uses.

San Francisco.*—The tax levy for 1895-96 was the largest in the history of this city. Upon a valuation of \$327,000,000, the levy for city and county purposes was 1.56½ on each \$100, and the rate for state taxes being 0.68½ the total rate was \$2.25. When the time came for payment there was general dissatisfaction, quite as much from the advocates of the "improvements" which were to make San Francisco another Paris at once, as from the cooler headed enemies of them. Yet those who handle the people's money are friends of a large levy, as is shown by the fact that when the estimates for the coming year were handed in by the heads of the several departments, a number of them exhibited a generous increase over the present year. Thus the street department asked for an increase of a round million of dollars, the public school department added fifty per cent, while the fire department was equally watchful. This alarmed the county grand jury, while the Merchants' Association, the Civic Confederation and the Non-partisan County Committee were deeply concerned. As a result, the Superintendent of Streets went before the Grand Jury and stated that he had asked for a million increase because it would be necessary, if he were to do all that was asked of him, but that he might get along with what he had last year. The School Department has not yet been heard from, and it is one of the departments which relies upon public sentiment to support its claims.

The new levy for 1896-97 has not yet been determined, but there will be some new features in the valuation. The city and county assessor was arrested recently upon the complaint of a citizen and charged with perjury, in that he had last year assessed the property

*Communication of I. T. Milliken, Esq.

and franchises of the Market Street Railway Company, which controls nearly all our street railway systems, at less than four million, while the company has \$17,500,000 of outstanding bonds. The assessor has been released by the court, but the assessment has been raised. A similar step has been taken in regard to the franchises and property of other corporations.

Cincinnati.*—Two questions, important to Cincinnati, have been settled this summer: the city will build a new and costly waterworks and the Southern Railway will not be sold.

The last Legislature passed an act which provided for the building of a waterworks by a board of commissioners, appointed by the Governor, the board being given complete control of the work. The commissioners have power to let the contract for the building of the works as an entirety, or in sections, as they may deem it best, or they may contract for the building of the entire plant and lease the same from the builders for a period of forty years, with the privilege of purchase at the end of every ten years. The commissioners may issue city bonds to the extent of \$6,500,000, for which the plant itself, as well as the credit of the city, is to be pledged. The Governor has appointed a commission of five, three Republicans and two Democrats. The Republican members are all well-known local politicians and are closely connected with the dominant political ring. For this reason the legality of the measure was called into question, but on July 28th last the Circuit Court sustained the law, and it is now generally believed that the Supreme Court will affirm this decision.

All citizens concede the necessity of a better and purer water supply, but the majority would prefer to have the *personnel* of the commission of a character calculated to disarm all criticism. It is to be hoped, however, that this city may escape the usual consequences attendant upon work contracted for and carried on under political supervision, and that Cincinnati may obtain an efficient and sanitary water supply.

The Sale of the Southern Railway.—In 1869 the electors of the city of Cincinnati authorized the construction of a railway from Cincinnati to Chattanooga, Tenn. This road was built by the city at a cost of \$18,400,000, which sum is represented by four issues of bonds, as follows: \$10,000,000, due in 1902; \$6,000,000, due in 1906; \$2,000,000, due in 1908 and 1909; \$300,000, due in 1911 and 1917; \$100,000, perpetual leases, at 6 per cent, upon which the gross interest and rent charge is \$1,272,584 annually. To-day the bonds outstanding on account of the Southern Railway are \$17,009,700.

In 1893 the company, which is at present operating the road under a lease from the city, was placed in the hands of a receiver, who has

*Communication of Max B. May, Esq.

been compelled to issue over \$162,000 of receiver certificates to pay the rental and make necessary repairs, and there was danger of a default. In order to avoid the evil consequences of a forfeiture of the lease the Sinking Fund Trustees, by virtue of authority vested in them under a law passed in 1887, negotiated for the sale of the road. The following offer was accepted and recommended to the electors for approval: to pay in gold coin \$19,000,000 on October 1, 1896, with interest in gold coin from October 1, 1896, at 4 per cent per annum, payable semi-annually; payment to be secured by mortgage on the road and equipment; (2) to pay in cash \$1,440,000 in quarter yearly instalments of \$60,000 each, beginning October 1, 1896; (3) to pay in cash a sum equal to 10 per cent of gross earnings of the road in excess of \$4,500,000 after 1902; (4) to expend annually for eight years not less than \$250,000 in betterments; (5) the \$19,000,000 shall be evidenced by such negotiable securities as the Sinking Fund Trustees shall prescribe, to be used and applied only in payment of the city's debt on account of the road, that is, a lien on the property; (6) a sinking fund is to be established, after 1902, of an amount sufficient, if invested at 4 per cent interest, to retire all of the \$19,000,000 in or before 1996.

This offer was made by Messrs. A. B. Andrews and Henry A. Taylor, individually, but with the intention of transferring their interests to a corporation to be organized under the laws of one or more of the States of Ohio, Kentucky and Tennessee, for the purpose of operating said line of railway, "*and when such corporation shall have been organized to the satisfaction of the trustees*, it is their intention to transfer to it all their rights under this offer, or its acceptance; whereupon their individual rights, interests and liabilities under this offer and its acceptance, and the contracts in pursuance thereof, shall vest in, and rest upon, the said corporation alone."

The Sinking Fund Trustees, believing that the offer was *bona fide* and in the interest of all, accepted the same. Suit was immediately instituted to restrain them from carrying out the proposition, but the Supreme Court upheld the action of the trustees, and in pursuance with their request, the Mayor called a special election for August 3, 1896, when the question was submitted to the voters. The submission of this offer to the people called forth much discussion pro and con. Pamphlets, circulars, personal appeals, interviews, were the order of the day. The main objection to the sale was the fact that no actual cash was to be paid.

The vote was extremely light, being only 31,324, of which 15,493 were in favor of the sale and 15,831, a majority of 338, against the measure. The usual city vote is 70,000 and more. Many ballots had to be discarded for irregularity in making them up. If the evil

consequences predicted occur, the tax rate will be greatly increased, but for the present, at least, Cincinnati remains the owner of the Cincinnati Southern Railway.

FOREIGN CITIES.

Edinburgh.—*Improvement Scheme.* Profiting by the experience of Glasgow, Edinburgh is about to inaugurate a new plan for the improvement of the slum districts. In some respects Edinburgh has been the pioneer in this movement for as early as 1866 a special act of Parliament was obtained for the purpose of acquiring by compulsory purchase certain unsanitary districts. Under this act some \$3,000,000 was expended and some of the very worst sections improved. There still remained a very large district where the congestion was greater than in any other city of Western Europe. This was due partly to historical considerations, partly to the peculiar position of Edinburgh. The old town had clustered itself about the castle and the city walls cramped it into a space less than half a mile wide. As a result the rapidly increasing population found accommodations in tenements, ten and twelve stories high. The hilly ground upon which Edinburgh is built made it necessary to build high on certain sides. Many buildings are four-stories high in the façade on one street, while the rear portion, facing another street, may be ten or more. Furthermore the system of building up the "closes" or portions usually reserved as back yards greatly increased the congestion. With the extension of the city limits, the congestion was somewhat relieved, but the central sections of the old town still remain in a greatly overcrowded condition. To deal with this problem will require the expenditure of large sums of money, as the property in question is extremely valuable. The city has, under special powers given to it by Parliament and also under the general act known as the Housing of the Working Classes Act of 1890, taken some five or six sites by compulsory or amicable purchase. The total area of these is but little over thirteen acres. While this will do but little to relieve the situation, steady work of this kind must make its effects felt in the course of time. It would seem that what is most needed at present is a system of rapid transit which would enable the working classes to find homes in the suburban districts. The present horse car system is entirely inadequate to meet this need. The city owns the tracks and leases them to a private company. This company is about to convert the motive power from horse to cable which will do something toward spreading the population. As long, however,

as the lines do not extend in every direction, the central districts will show all those elements of overcrowding—degradation, debauchery, drunkenness and vice in every form—characteristic of certain sections of the city. Until some such plan is adopted, the eradication of fever in more malignant forms will be an impossibility. The beauty of the city itself, its favorable situation and other advantages call loudly for some radical remedies for this one evil.

As to the property with which the city is at present dealing, the report of the city engineer gives some interesting information. The actual work of clearing the worst areas has begun in two places. The scheme includes 130 dwellings in six different areas. The procedure of acquiring property of this character has been greatly simplified and the financial position of the municipality in determining the price, greatly improved by the provisions of the Housing of the Working Classes Act of 1890. By the terms of this act it has become possible to take into consideration the improper use of property, its unsanitary condition and the rack-renting usually attendant in tenement rentals in arriving at an estimate of the value. In this work the city has two distinct problems in hand. The first is the acquisition of property for the purpose of widening streets, for which purpose some \$3,000,000 is to be expended. Of this sum over \$230,000 has been recently applied. The other is the destruction of slum areas for the purpose of constructing workingmen's dwellings. To this nearly \$500,000 has been appropriated and \$215,000 expended. The high price of property thus acquired will make it necessary to construct tenement houses at least five stories high. The plans for new constructions have already been completed on this basis. Every requirement of modern sanitary science has been complied with, special stress being laid upon unobstructed ventilation of each apartment from front to rear.